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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,697	03/10/2004	Hisayoshi Mizuhara	114208-021	4318
43793	7590	04/08/2005	EXAMINER	
EVEREST INTELLECTUAL PROPERTY LAW GROUP			BRITTAIN, JAMES R	
P. O. BOX 708			ART UNIT	PAPER NUMBER
NORTHBROOK, IL 60065			3677	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,697	MIZUHARA ET AL. . .	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03102004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 988659 in view of Schwendt (US 3922761).

GB 988659 (figures 2, 7, 9) teaches slide fastener structure with fastener elements 8 secured to tapes 1 including a bottom end stop made of synthetic resin (page 1, lines 41-53) including reinforcements in the form of ribs 4 that are either truncated pyramids or rounded in cross-section. The difference is that the ribs are not spaced by a gap wider than the base of a rib and the dimensions are unstated. However, Schwendt (figures 1-3) teaches reinforced bottom end stop structure with the ribs 11 spaced by a gap wider than the base of a rib. As it would be advantageous to have an attractive bottom stop that provides sufficient reinforcement without utilizing more material than necessary, it would have been obvious to spread out the ribs of GB 988659 as taught by Schwendt so as to save material and provide an attractive bottom stop while still strengthening the bottom stop and as to the dimensions, the scaling of the ribs to provide a particular degree of reinforcement is a function of the material of the ribs and the size of the ribs and it would have been obvious to one having ordinary skill in the art to scale the ribs to provide adequate strength for a particular application and this renders obvious applicant's particular claimed range. Similarly, with respect to the ranges of claims 3-6, applicant is simply choosing

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to modify the teachings of GB 988659 by obvious scaling of the fundamental reinforcing ribs taught by GB 988659.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of McGuire (US 4233099, figure 1), Fujisaki et al. (US 4870724, figure 1), Fröhlich (CH 508372, figure 1), Glindmeyer (DE 2008423, figure 3), Wasko (US 4090278, figures 2, 3), Potin (US 3616939, figures 2, 5), Morin (US 3435489, figures 1, 3), Carlile et al. (US 3377668, figures 3, 4), Johns (US 3030684, figures 2, 4), Ward (US 4001922, figures 1, 2) and Kasai (US 4742603, figures 1, 2) teach pertinent zipper bottom stop structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB